IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.5483 OF 2005

Sureshsingh s/o.Magansingh Rajput ..Petitioner

Vs.

The State of Maharashtra & Ors. .. ..Respondents

Amit Sale & A.S.Bayas for the Petitioner
Mr. C.R. Sonavane, AGP for Respondents

CORAM: F.I. REBELLO & DR.D.Y.CHANDRACHUD, JJ,
DATE :5th September,2005

P.C.

. Rule. Heard forthwith.

2. By order dated 28th July, 2005 the Committee for Caste Validity has rejected the petitioner's claim as belonging to Rajput Bhamta. On consideration of the order it appears that one of the facts which weighed with the Committee was the report by the Tahsildar that the certificate was not found. Before the committee were also the school leaving certificates of the petitioner's brother which showed the caste as Hindu Rajput.

3. The grievance of the petitioner is that the Vigilence enquiry had been conducted and the Vigilance enquiry report was in favour of the petitioner. It is also submitted that he had produced other documentary evidence of his relatives whose caste had been verified as belonging to Rajput Bhamta. This has also not been taken into consideration.

4. The petitioner had produced the caste certificate for validating. The mere fact that the Executive Magistrate of

Malegaon could not confirm whether the certificate was issued by itself could not be a ground to reject unless the committee had come to the conclusion that the same was fraudulent. There is no such finding. In the absence of that the caste certificate as submitted ought to have been verified.

5. Considering that one of the reasons for rejecting the caste claim was that no record of the caste certificate was available with the Executive Magistrate, Malegaon, in our opinion, the ends of justice would be met if the impugned order dated 28th July, 2005 is set aside and the matter is remanded back to the committee for reconsideration according to law by considering the documents including the report of the Vigilence Cell and also considering the documents produced by the petitioner or which the petitioner may produce before the committee including that of his relatives. The Committee to complete the exercise within a period of six months. In the meantime the services of the petitioner not to be terminated.

6. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)